

Marcia B. Aronow
Attorney at Law

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Suite 208
Baederwood Office Plaza
1653 The Fairway
Jenkintown, Pennsylvania 19046-1420

Telephone: (215) 887-7887
Facsimile: (215) 887-9710

Also Member of New Jersey and Florida Bars

October 22, 2003

U.S. Department of State
CA/OCS/PRI
Adoption Regulations Docket Room
SA-29, 2201 C Street, NW
Washington, DC 20520

Re: Docket No.: State/AR-01/96

To Whom It May Concern:

By this letter, I am hereby relaying my comments to certain risk and liability provisions of the Hague Convention.

While the vast majority of these provisions provide an excellent guide for international adoptions, there are certain provisions that are so onerous that they may well have a chilling affect on all international adoption agencies. This would obviously create a hardship both for the thousands of perspective U.S. families and for the thousands of abandoned and orphaned children waiting for good homes. Specifically, I would ask that the following sections be stricken:

(i) Sections 96.45(b)(8) & (c) and 96.46(b)(9) & (c) – These are the key provisions which assign all risk between adoptive parents and their service providers to the service providers, and channel that liability to the primary providers;

(ii) Section 96.39(d), which ties the agencies hands from sharing any risk within the process with adoptive parents by prohibiting informed waiver provisions. Waiver provisions should be permissible if the agencies educate their clients about known risks and parents knowingly decide to undertake such risk; and

(ii) Section 96.33(h) – Requiring \$1,000,000 per occurrence of insurance coverage. Insurance should not be a requirement unless the Department of State can propose an amount of coverage that is reasonably related to compensatory damages and will not encourage litigation, and until the Department of State can guaranty the availability and affordability of such policies.

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Since the Hague Convention specifically requires that international adoption agencies have a non-profit status, these provisions are so draconian that it is highly unlikely that our agency would have the funds necessary to implement these requirements.

I know I am speaking for all international adoption agencies when I implore the State Department to re-think the implementation of the above-stated provisions. Thank you for your anticipated cooperation in striking the offending provisions.

Very truly yours,



MARCIA B. ARONOW,
Executive Director for ABC ADOPTION, INC.,
t/d/b/a A Beautiful Choice International Adoptions

MBA/jmm